

June 21, 2000

Kansas Department of Health and Environment
Proposed Amended Regulation

Kansas Dry Cleaner Environmental Response Act

28-68-3. Performance standards. (a) Storage and disposal of ~~drycleaning~~ dry-cleaning wastes.

(1) Each owner or operator of a drycleaning dry-cleaning facility that generates hazardous waste shall comply with the provisions ~~of specified in~~ K.A.R. 28-31-1 through K.A.R. 28-31-4, with the following changes:

(A) Except as provided in paragraph (a)(2), the owner or operator of each drycleaning dry-cleaning facility that is a small quantity generator as ~~defined by specified in~~ K.A.R. 28-31-2, ~~subsection (e),~~ and that accumulates up to 25 kilograms of hazardous waste, shall treat the waste as follows:

(i) Either treat or dispose of the hazardous waste in an acceptable on-site facility, or ensure delivery to an off-site hazardous waste treatment, storage, or disposal facility, or to some other waste management facility approved by the department;

(ii) comply with 40 C.F.R. part 265, subpart I, as in effect on July 1, ~~1995~~ 1999 and hereby adopted by reference, except §265.176 and §265.178;

(iii) label or clearly mark each container and each tank in which hazardous waste is accumulated or stored with the words "Hazardous Waste"; and

(iv) clearly mark each container and each tank in which hazardous waste will be accumulated and stored for more than 72 hours with the date on which each period of accumulation begins. The date marking shall be in a place visible for inspection.

(B) ~~Drycleaning~~ Dry-cleaning wastewater shall not be stored at a ~~drycleaning~~ dry-cleaning facility for more than 60 days.

(2) Each owner or operator of an existing ~~drycleaning~~ dry-cleaning facility that is a small quantity generator and accumulates up to 25 kilograms of hazardous waste shall comply with paragraphs (a)(1)(A)(ii) through (a)(1)(A)(iv) of this regulation ~~not later than six months after January 3, 1997.~~

(b) Prohibition of the discharge of ~~drycleaning~~ dry-cleaning solvents and ~~drycleaning~~ waste.

(1) ~~Drycleaning facilities~~ The owner or operator of a dry-cleaning facility shall not discharge ~~drycleaning~~ dry-cleaning solvents, ~~drycleaning~~ dry-cleaning wastewater, or both, either directly or indirectly, into any sanitary sewer, storm sewer, or septic tank, or to the soil or waters of the state. ~~Drycleaning facilities~~ The owner or operator of a dry-cleaning facility shall not discharge ~~drycleaning~~ dry-cleaning waste into any underground tank.

(2) ~~Drycleaning facilities~~ The owner or operator of a dry-cleaning facility shall not locate floor drains within any secondary containment structure required by paragraph (e)(1) of this regulation.

~~(3) Each existing drycleaning facility shall comply with paragraph (b)(1) of this regulation not later than six months after January 3, 1997.~~

~~(4) Each existing drycleaning facility shall comply with paragraph (b)(2) of this regulation not later than two years after January 3, 1997.~~

(c) ~~Any drycleaning~~ The owner or operator of a dry-cleaning facility may evaporate ~~drycleaning~~ dry-cleaning wastewater at the ~~drycleaning~~ dry-cleaning facility at which it was generated if both of the following conditions are met:

(1) The evaporation unit is a heated unit or a nonthermal unit utilizing air atomization or misting, made of materials compatible with and impervious to the ~~drycleaning~~ dry-cleaning wastewater being evaporated; and

(2) the ~~drycleaning~~ dry-cleaning wastewater contains no free-phase ~~drycleaning~~ dry-cleaning solvent. For the purposes of this paragraph, "free-phase ~~drycleaning~~ dry-cleaning solvent" means ~~drycleaning~~ dry-cleaning solvent that is not suspended or dissolved in the ~~drycleaning~~ dry-cleaning wastewater.

(d) Air emission standards. Each owner or operator of a ~~drycleaning~~ dry-cleaning facility using chlorinated ~~drycleaning~~ dry-cleaning solvents shall comply with the provisions of specified in K.A.R. 28-19-720, and K.A.R. 28-19-750 through K.A.R. 28-19-753.

(e) Dikes and secondary containment structures.

(1) Installation. Each owner or operator of a ~~drycleaning~~ dry-cleaning facility shall install a dike or other secondary containment structure around each ~~drycleaning~~ dry-cleaning unit and around each storage area for ~~drycleaning~~ dry-cleaning solvent, or ~~drycleaning~~ dry-cleaning waste, or both. Each secondary containment structure shall be maintained in good condition.

(2) Construction materials.

(A) The materials used to construct each secondary containment structure shall be impervious to and compatible with the ~~drycleaning~~ dry-cleaning solvents and ~~drycleaning~~ wastes used or stored within the secondary containment structure.

(B) For any ~~drycleaning~~ dry-cleaning unit using chlorinated ~~drycleaning~~ dry-cleaning solvents, and

any storage area for chlorinated ~~drycleaning~~ dry-cleaning solvents, chlorinated solvent ~~drycleaning~~ dry-cleaning wastes, or both, materials other than epoxy or steel may be used for the construction of the secondary containment structure only upon approval by the department. Departmental approval for the use of a material other than epoxy or steel shall be granted upon demonstration to the department that the material is as compatible with and impervious to ~~drycleaning~~ dry-cleaning solvent as epoxy or steel.

(C) For any ~~drycleaning~~ dry-cleaning unit using petroleum ~~drycleaning~~ dry-cleaning solvents, and any storage area for petroleum ~~drycleaning~~ dry-cleaning solvents, petroleum ~~drycleaning~~ dry-cleaning solvent wastes, or both, materials other than epoxy, steel, or concrete may be used for the construction of the secondary containment structure only upon approval by the department. Departmental approval for the use of a material other than epoxy, steel, or concrete shall be granted upon demonstration to the department that the material is as compatible with and impervious to ~~drycleaning~~ dry-cleaning solvent as epoxy, steel, or concrete.

(D) All sealant and all caulk used on each secondary containment structure shall be impervious to and compatible with the ~~drycleaning~~ dry-cleaning solvent and ~~drycleaning~~ waste used or stored within the secondary containment structure.

(3) Storage capacity. Each secondary containment structure shall be capable of containing any leak, spill, or release of ~~drycleaning~~ dry-cleaning solvents, ~~drycleaning~~ dry-cleaning wastes, or both.

(4) Inspections. The owner or operator of each ~~drycleaning~~ dry-cleaning facility shall inspect each secondary containment structure weekly.

(A) The owner or operator of each ~~drycleaning~~ dry-cleaning facility shall repair each deficiency

detected during an inspection not later than five calendar days after the deficiency is detected. The owner or operator may request an extension of this five-day time limit from the department.

(B) The owner or operator of each ~~drycleaning~~ dry-cleaning facility shall keep a log of the following information and provide it to the department upon request:

- (i) The dates of inspection for each secondary containment structure;
- (ii) a brief description of each deficiency that is detected;
- (iii) the date of repair of each deficiency; and
- (iv) a brief description of each repair.

(C) Each inspection and repair log shall be kept at the ~~drycleaning~~ dry-cleaning facility for not less than five years after the log has been completed.

~~(5) Compliance date. Each existing drycleaning facility shall comply with paragraphs (c)(1) through (4) of this regulation not later than two years January 3, 1997.~~

(f) Delivery of solvents.

(1) Chlorinated ~~drycleaning~~ dry-cleaning solvents. ~~Within two years after January 3, 1997,~~ All chlorinated ~~drycleaning~~ dry-cleaning solvents shall be delivered to ~~drycleaning~~ dry-cleaning units and ~~drycleaning~~ solvent storage containers by means of either of the following:

(A) A closed, direct-coupled delivery system; or

(B) a technology determined by the department to provide protection of human health and the environment equivalent to or greater than that provided by direct-coupled delivery systems.

~~This two-year compliance period may be extended by the secretary if direct-coupled delivery systems are~~

~~not readily available within two years after January 3, 1997.~~

(2) Petroleum-based solvent. All petroleum-based solvents shall be delivered to ~~drycleaning~~ dry-
cleaning units and ~~drycleaning~~ solvent storage containers according to the requirements of K.A.R. 22-7-9
and local fire codes.

(g) Each owner or operator of a new ~~drycleaning~~ dry-cleaning facility shall comply with this
regulation at the time operations begin and thereafter. (Authorized by and implementing K.S.A. ~~1996~~ 1999
Supp. 65-34,143; effective Jan. 3, 1997; amended May 8, 1998; amended P-_____.)